GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Social Welfare Department – Appeal petition filed by Sri Muddaraboina Subba Rao, S/o Venkateswara Rao, R/o Inglimpakalanka Village, Mandavalli Mandal, Krishna District, against the proceedings No. D.Dis.C4.115/M/2011, dated 19.03.2012 of the District Collector, Krishna confirming the SC(Hindu-Mala) community status of Kum. Chabattina Mounika D/o. Vijay @ Vijaya Rao - under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCILA WELFARE (CV.1) DEPARTMENT

G.O.Ms.No. 37 Dated: 10.04.2018

Read the following:

1. Proceedings of the District Collector, Krishna, D.Dis.C4.115/M/2011, dated 19.03.2012.
2. Appeal Petition filed by Sri Muddaraboina Subba Rao, S/o Venkateswara Rao, R/o Inglimpakalanka Village, Mandavalli Mandal, Krishna District dt.04.05.2012.
3. Govt. Memo No.6453/CV.1/2012, dated 16.05.2012.
4. From the District Collector, Krishna Lr.Rc.C4.525/M/2012, dated 27.12.2012 & received by section on 05.01.2015.
5. Govt. Memo No.6453/CV.1/2012, dated 18.11.2015, 28.04.2016 & 30.11.2016.
6. Govt. Memo No.6453/CV.1/2012, dated 17.08.2017.

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ORDER:

In the reference 1st read above, the District Collector, Krishna has issued orders confirming the SC-Hindu Mala caste certificate obtained from the then Mandal Revenue Officer, Mandavalli in the year 2004 by Kum. Chabattina Mounika D/o. Vijay @ Vijaya Rao.

2. In the reference 2nd read above, Sri Muddaraboina Subba Rao, S/o Venkateswara Rao has filed an Appeal Petition before the Government, against the proceedings of the District Collector, Krishna. After examining the said Appeal Petition, the Government have admitted the said appeal petition and called for parawise remarks and connected records from the District Collector, Krishna in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Krishna has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Muddaraboina Subba Rao, S/o Venkateswara Rao.

4. The said appeal petition has been posted for hearing on 28.11.2015, 14.05.2016, 24.12.2016 and finally on 16.09.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th & 6th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant/ Counsel for the appellant have attended for the hearing on 16.09.2017 and argued the case.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Krishna and proceedings of the District Collector, Krishna dated 19.03.2012, the Appellate Authority has observed that:

I. The appellant in his grounds has stated that the District Collector, Krishna failed to observe that the main allegation that Kum. Chabattina Mounika D/o. Ch. Vijaya Rao and their family members are believers of Holly Army Fellowship(Church) Mandavalli Mandal, Krishna District, the District Level Scrutiny committee neither

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examined the pastors of particular church nor other church members (believers) who other followers came to particular church and the District Collector, Krishna failed to observe that Photos filed by the appellant particularly the Mother of Kum. Chabattina Mounika & Kum. Chabattina Mounika, participating various Holly Army Fellowship (Church) functions.

II. Further he has stated that the District Collector, Krishna failed to observe that the Sister of Kum. Chabattina Mounika and her sister's husband both are married under Christianity Religious Customs and Marriage Certificate issued by the Marriage Registrar, Eluru, West Godavari District and also failed to consider the 2 CDs filed by the appellant as evidence. The Revenue Divisional Officer, Gudivada not furnished the report of the CDs and Photos referred to the forensic Laboratory for its genuineness. The District Collector, Krishna also failed to notice that the difference between Hindu & Christian burial grounds and came to conclusion that both used same burial ground. If so the grand Father of Kum. Chabattina Mounika name plate clearly shows that she believes the Christianity.

III. The District Level Scrutiny Committee has observed that as per the enquiries conducted with the caste elders at Pedalanka Village of Kalidindi(native place of Sri Chabattina Vijay(father of Chabattina Mounika)), it was revealed that Sri. Chabattina Vijay was born in Pedalanka Village of Kalidindi Mandal and residing at Mandavalli since 25 years and he along with his parents celebrating the Hindu festivals and following the Hindu customs and traditions. Sri Chabattina Vijay never attended any Church and not followed any Christian customs and not taken Baptism. Sri Chabattina Thataiah (Grandfather of Mounika) was expired and his dead body was buried as per the Hindu customs. Further, the Members of the Scrutiny committee i.e., JD, Social Welfare, Dist. Tribal Welfare Officer and Dist. BC Welfare Officer have conducted enquiry in the village reported that during their physical verification no evidences of burial in Christian customs and traditions were found and also stated that there are no separate burial grounds available for Hindus and Christians in the village. During the local enquiry by the committee members, it was revealed that, Sri Muddaraboina Francis S/o Muddaraboina Subba Rao and Chabattina Mounika had a love affair, and Francis promised her to marry but exploited her sexually and later he refused to marry and this issue has been brought to the notice of the caste elders and they mediate with Muddaraboina Subba Rao, and other family members who accepted the fact and agreed for performing marriage of Francis with Mounika, except Chinnama, M/o Francis, Smt. Ranamma W/o. Late Abraham who is brother of Sri muddaraboina Subba Rao, objected for this, and proposed that the matter will be placed before the God for his acceptance to pray the God for 20 days along with the victim Kum. Chabattina Mounika in Holy Army Fellowship Church, Mandavalli. Which is owned by the petitioners. One day during late hours at 11.00 PM., Muddaraboina Venkateswara Rao, Grandfather of Francis, and Subba Rao father of Francis have met with Gumadi Venkateswara Rao, who is the Caste elder and requested him to compromise the issue and offered to pay ten lakhs as compensation to the victim and arrange marriage with any other person, as the God has not accepted. The proposal was rejected by the Caste elders and Parents of Ms.Mounika. During the enquiry, it was revealed that, the Photographs were taken during 20 days custody of Chabattina Mounika, and in support of their allegations, the

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petitioners filed those photographs before the committee. Finally, based on the findings of the DLSC, the District Collector has issued orders on 19.03.2012 for confirming the SC Mala caste certificate issued to Kum. Chabattina Mounika, D/o. Vijaya Rao by then MRO, Mandavalli.

IV. Further it is observed that in Circular Memo. No. 10956/CV1/97-2, S.W (CV) Department, dt.16.2.1998 instructions were issued by the Government for issuance of Caste Certificates. As per the said instructions, the conversion and re-conversion rules are as follows:

1) Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism and then reconverts himself back to Hinduism or Sikhism, he will be deemed to have reverted to his original Scheduled Caste, if he is accepted by the members of that particular caste as one among them.

2) In the case of a descendent of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste to which his forefathers belonged. It will have to be established that such a convert has been accepted by members of the caste claimed as one among themselves and has thus become a member of that caste.

As observed from the records produced by the appellant that Kum. Chabattina Mounika has not taken conversion as Christianity.

V. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

VI. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted his arguments as per her grounds in appeal petition and stated that the lower authority failed to observe that Kum. Chabathina Mounika and their family member are believers of Holly Army Fellowship (Church) Mandavalli Mandal and her sister married under Christian religious customs as such she is not the Schedule caste. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and further the local enquiry reveals that the family members of Mounika celebrating Hindu festivals and her father never attend the church and he has not taken baptism and further when her grandfather expired his dead body buried as per Hindu customs as such the lower authority rejected the contention of the appellant. That as per the record the earliest petition is the outcome a counter blast to a criminal case pending in which the said Mounika is victim and on a promise of marriage she was sexually enjoyed. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Krishna District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community

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Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Muddaraboina Subba Rao, S/o Venkateswara Rao, does not deserve any interference. Hence, Proceedings of the District Collector, Krishna issued vide D.Dis.C4.115/M/2011, dated 19.03.2012, is hereby upheld and the Appeal Petition filed by Sri Muddaraboina Subba Rao, S/o Venkateswara Rao, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Mandavalli in the year 2004 by Kum. Chabattina Mounika D/o. Vijay @ Vijaya Rao is holds good.

7. The District Collector, Krishna is directed to take necessary consequential action in the matter.

8. The records (containing D.Dis.C4.115/M/2011, pages: CF : 1-645 & NF: 1-32) received from the District Collector, Krishna through in the reference 4th read above, are returned herewith in original to the District Collector, Krishna and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Krishna.

(with original records) (BY RPAD)

Sri Muddaraboina Subba Rao, S/o Venkateswara Rao,
R/o Inglimpakalanka Village, Mandavalli Mandal, Krishna District.

Sri V.V. Prabhakara Rao, Advocate, D.No.1-10-13/A,
Radhika Aparts., 1st floor, 103, Street No.4,
Ashoknagar, Hyderabad – 500020.

Kum. Chabattiana Mounika,
D/o. Ch. Vijaya Rao,
Mandavalli Village and Mandal, Krishna District.

Copy to:
The PS to M(SWE &TWE)
The PS to Prl. Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER